

**Testimony before the Kansas House of Representatives Committee on
Government Efficiencies on HB 2672**

Chairman Mike Burgess

Testimony presented by: Secretary Dennis Taylor,

Kansas Department of Administration

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Mr. Chairman: It is a privilege and an honor to address the Committee on Government Efficiencies today regarding HB 2672. HB 2672 is the result of Governor Brownback's initiative to repeal outmoded, unreasonable, duplicative, onerous or unduly burdensome statutes and regulations. HB 2672 encompasses a statute that falls within the category of being outmoded.

K.S.A. 19-825 states:

If any person taken from the hands of a sheriff or such sheriff's deputy having such person in custody is lynched, such lynching shall be evidence of failure on the part of such sheriff to do such sheriff's duty, such sheriff's office shall immediately be vacated, and the county clerk shall immediately succeed to and perform the duties of sheriff until the successor of such sheriff shall have been duly appointed, pursuant to existing law providing for the filling of vacancies in such office. Such sheriff shall not thereafter be eligible to either election or reappointment to the office of sheriff, except that such former sheriff may, within 10 days after such lynching occurs, file with the governor a petition for reinstatement to the office of sheriff. Such sheriff shall give 10 days' notice of the filing of such petition to the prosecuting attorney of the county in which such lynching occurred and to the attorney general. If the governor, upon a hearing conducted in accordance with the provisions of the Kansas administrative procedure act, finds that such sheriff used reasonable effort to protect the life of such prisoner and performed the duties required of such sheriff by existing laws respecting the protection of prisoners, then the governor shall reinstate such sheriff in office and shall issue to such sheriff a certificate of reinstatement. Such certificate shall be effective on the day of such order of reinstatement, and the decision of the governor shall be final.

Today, county clerks would not be the logical successor.

The Office of the Repealer urges favorable consideration of HB 2672.

I will stand for any questions that the committee has for me regarding HB 2672.